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SEP 8 1997

FCC MAIL ROOM

MM DOCKET NO. 96-7  
RM-8732

and

MM DOCKET NO. 96-12  
RM-8741

and

In re Application of

File No. BPH-960206IE

## For Construction Permit to Modify Licensed Facilities (One-Step Upgrade)

To: Chief, Allocations Branch,  
Mass Media Bureau

## REPLY TO JOINT COMMENTS

On August 26, 1997 Madgekal Broadcasting, Inc. and American Radio Systems ("ARS") submitted further comments ("Further Comments") in support of their "Joint Request" filed in March, 1997.

Subject to the conditions in the comments that Hurricane Broadcasting, Inc. (Hurricane) has filed earlier in this proceeding, i.e., that Hurricane will accept a change in the proposed channel allotment to Sun River Oregon, Hurricane has no objections to the Joint Request or the Further Comments.

However, Hurricane wishes to point out that the Further Comments ignore Hurricane's original proposal and its earlier comments.

In summary, Hurricane originally proposed an assignment of Channel 269C2 to Sun River, OR as counterproposal to the KDBX Notice of Proposed Rulemaking (the Banks/Redmond allocation). Both Hurricane and KDBX found their proposals mutually exclusive with Madgekal's 'one-step' upgrade filed for Channel 268C at Corvallis, OR.

Hurricane, before the FCC directed it to justify its proposal, and Madgekal in its proceeding, both proposed to the FCC alternate solutions that would allow - in Hurricane's case - a Sun River allocation, the Banks/Redmond allocations and the assignment of Channel 268C to The Dalles, and - in Madgekal's case - the Banks\Redmond and an upgrade to a C1 facility at The Dalles. Madgekal, noting that the KDBX alternate proposal (assign Channel 224C2 at Sun River) was accepted by Hurricane and would not preclude either 268C or 268C1 at The Dalles, no longer addresses the original Hurricane proposal.

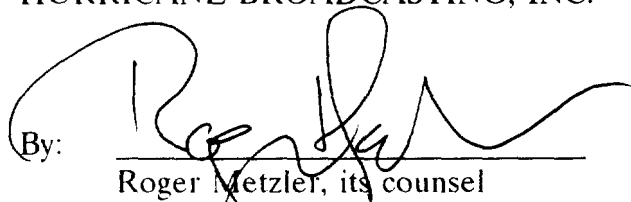
Hurricane has no objections to abandoning its original proposal to assign 269C2 to Sun River so long as Channel 224C2 is assigned to Sun River. Hurricane wants to reiterate that Channel 224C2 is not mutually exclusive with the Corvallis application, that the allotment of 224C2 to Sun River, OR does not conflict with the KDBX upgrade at

Banks, and it does allow the grant of a new facility at Sun River, OR. It is therefore obviously in the public interest.

Just as the Joint Comments point out that the policy of facilitating settlements discussed in Gonzales Broadcasting, Inc., FCC 97-283 (August 12, 1997) and in the Balanced Budget Act (See CONG. REC. (daily ed. July 29, 1997) H6173 (discussion, in Conf. Rpt. regarding §3002(a) of Balanced Budget Act of 1997, of the FCC's obligations in §309(j)(6)(E)) should allow the Madgekal/ARS joint settlement to be granted, Hurricane points out that the same policy should allow the shift of channels thus allowing the allocation of Channel 224C2 to Sun River and further notes that the Madgekal Joint Settlement cannot be accomplished without allowing the proposed change in allocation of 224C2 to Sun River.

WHEREFORE, it respectfully requested that the FCC adopt the proposal advanced in RM-8732 by the Joint Reply (and accepted by Hurricane), which is a proposal to allot Channel 224C2 to Sun River rather than Channel 269C2, and grant the allocation of 224C2 to Sun River, OR, and at the same time, grant the requests set out in the referenced Joint Request and Supplement to Joint Request.

HURRICANE BROADCASTING, INC.

By:   
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September 5, 1997

**CERTIFICATE OF SERVICE**

I, Alexis Velasco hereby certify that on this 5th day of September 1997, copies of the foregoing **RESPONSE TO FURTHER COMMENTS** were mailed, first-class, postage prepaid, to the following:

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